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8 Attorneys for Estela D. Reed

9
10 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 PRINCIPAL LIFE INSURANCE
12 COMPANY,

13 Plaintiff,

14 vs.

15 VINA CUESTA STATUA, INOCENCIO
S. AMBE, CORAZON AMBE
16 CABALES, ESTELA D. REED, and
DOES 1-10,

17 Defendants.
18

19 ESTELA D. REED,

20 Cross-claimant,

21 v.

22 VINA CUESTA STATUA, INOCENCIO
S. AMBE, and CORAZON AMBE
23 CABALES,

24 Cross-defendants.
25
26
27
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Case No. C-07-4915 CW

DECLARATION OF MONTIE
S. DAY IN SUPPORT OF
MOTION FOR COURT ORDER
DISCHARGING PRINCIPAL
LIFE INSURANCE COMPANY
FROM ANY LIABILITY WITH
RESPECT TO THE INSURANCE
POLICY AND FUNDS DEPOSITED
WITH THIS COURT, AND FOR
ORDER FOR PAYMENT OF
ATTORNEY FEES AND COSTS TO
PRINCIPAL LIFE INSURANCE
COMPANY IN THE AMOUNT OF
\$2,500.00 FROM INTERPLED FUNDS

Date: February 14, 2008
Time: 2:00 p.m.
Judge Claudia Wilken

1 I, Montie S. Day, declare:

2 1. I am an attorney duly admitted to practice before this Court and in the State of
3 California and, along with Laura R. Spease, Attorney, represent Estela D. Reed, defendant
4 herein. I make this declaration upon personal knowledge, and if called as a witness, can
5 testify as to the following:

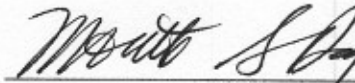
6 2. In connection with this interpleader action, and on behalf of Estela Reed, I
7 contacted counsel for Principal Life Insurance Company, Michael Brisbin, and by
8 negotiations, agreed to an amount for attorney fees and costs which would be claimed by
9 Principal Life Insurance Company, conditioned upon the motion to approve the attorney fees
10 and costs to be paid from the interpled funds, and for an order discharging Principal Life
11 Insurance Company from any further obligation under the insurance policy and with respect
12 to the interpled funds, and discharging them in this litigation. I have attached hereto as
13 Exhibit A a fax I received confirming the agreement.

14 3. I then contacted Mr. Mark J. Cardinal, Attorney for defendant Vina Cuesta Statua,
15 and now have been advised of his approval of the payment of the attorney fees and costs in
16 the amount of \$2,500.00 to Principal Life Insurance Company in connection with this action,
17 such funds to be paid from the interpled funds. A copy of an e-mail confirmation is attached
18 hereto as Exhibit B.

19 4. Under any possible facts based upon the pleadings, the defendants Estela D. Reed
20 and Vina Cuesta Statua claims in amount would far exceed the \$2,500.00, and thus an order
21 could be made without any impact on the remaining interest, if any, of the potential 6%
22 interest of other defendants.

23 Wherefore, your declarant requests that the order determining the attorney fees and
24 costs for the interpleading plaintiff Principal Life Insurance Company be made, such to be
25 paid from the interpled funds, and that Principal Life Insurance Company be discharged from
26 any liability to defendants and from further participation in this action.

1 I declare under the penalties of perjury that the foregoing is true and correct, and that
2 I have executed this declaration on December 26, 2007.

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5 Montie S. Day, Attorney
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Vina Cuesta Statuta - our file number 3393.686

Page 1 of 1

From: Brisbin, Michael K. <Michael.Brisbin@wilsonelser.com>

To: oyad@aol.com

Subject: Vina Cuesta Statuta - our file number 3393.686

Date: Tue, 18 Dec 2007 2:41 pm

Hi Monte,

This will confirm our earlier conversation.

Principal Life is willing to reduce its costs to \$2500.00 in exchange for defendants Vina Cuesta Statuta and Estela Reed filing a motion to dismiss Principal Life from the case. I will file the default papers against Corazon Ambe Cabales no later than next week since she has not answered.

Also, here is the address for Inocencio S. Ambe:

907 Paroba Street

Santa Maria, Sta. Ana

2022 Pampanga, Philippines

Let me know if you need anything else to serve him.

Thanks. I look forward to hearing from you on the fees in the near future.

Regards,

Mike Brisbin

This communication was not intended or written to be used, and it cannot be used by any taxpayer, for the purpose of avoiding tax penalties. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

EXHIBIT A

Principal v. Reed/Statua; Reed v. Statua Settlement

Page 1 of

From: Marc J. Cardinal <mjc@devrieslawgroup.com>
To: oyad@aol.com
Cc: laura@speaselaw.com
Subject: Principal v. Reed/Statua; Reed v. Statua Settlement
Date: Thu, 20 Dec 2007 4:59 pm

Montie:

This will confirm that I am authorized to stipulate behalf of Vina Cuesta Statua that \$2500 of attorneys fees may be paid to Principal with a discharge of the funds.

This will also confirm settlement in this matter between our clients. ~~The settlement is that my client will receive \$25,000 from the remainder of the funds after payment to Principal, with the remainder to go to your client. In exchange for the consideration above, both of our clients will execute a mutual release of all claims and your client will dismiss her cross complaint, with prejudice, against my client.~~

~~If this does not accurately reflect our settlement agreement, please either call or email me immediately. In light of the settlement, Vina will not be filing a responsive pleading to your client's cross complaint which is due on December 21, 2007.~~

I am in agreement to continuing any upcoming court dates in light of the settlement. Please let me know if you need me to prepare any documents or sign any documents (i.e. notice of settlement) to accomplish this.

I wish to thank both of you for your professionalism in this matter.

Very Truly Yours,

Marc J. Cardinal
De Vries Law Group
(831) 623-4100

EXHIBIT B